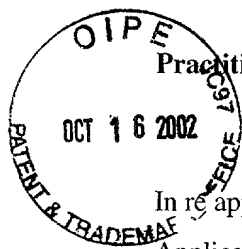


10-17-02  
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Practitioner's Docket No. RPS920020090US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anthony Correale, Jr.

Application No.: 10/065,228

Group No.: 2816

Filed: 09/26/2002

Examiner: unknown

For: CIRCUIT FOR PRESERVING DATA IN A FLIP-FLOP AND A METHOD OF USE

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.182 FOR DATE OF THIS SUBMISSION OF ITEMS INDICATED  
AS OMITTED ON "NOTICE OF OMITTED ITEMS" AS APPLICATION FILING DATE  
NONPROVISIONAL APPLICATION

1. Response

Applicant responds to the "NOTICE OF OMITTED ITEMS" mailed October 7, 2002. This response is being made within two (2) months of the mailing of the "NOTICE OF OMITTED ITEMS."

A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.

2. Petition

This is a nonprovisional application and applicant hereby petitions under 37 C.F.R. § 1.182 to accept the date of this submission as the application filing date.

3. Submission

Submitted herewith are:

- ☒ FIGURE 10 the omitted item listed on the "NOTICE OF OMITTED ITEMS" ; and
- ☒ a declaration in compliance with 37 C.F.R. §§ 1.63 and 1.64 referring to such omitted item.

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**EXPRESS MAILING UNDER 37 C.F.R. § 1.10\***

*(Express Mail label number is mandatory.)*

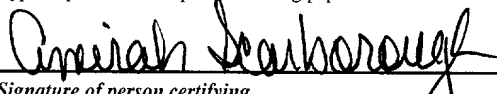
*(Express Mail certification is optional.)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date **October 16, 2002** in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231 as "Express Mail Post Office to Addressee" Mailing Label No. **EV 073551548 US**.

Date: October 16, 2002

Amirah Scarborough

Type or print name of person mailing paper

  
Signature of person certifying

**4. Petition Fee (37 C.F.R. § 1.53(e)(2))**

Nonprovisional (37 C.F.R. § 1.17(h))—\$130.00

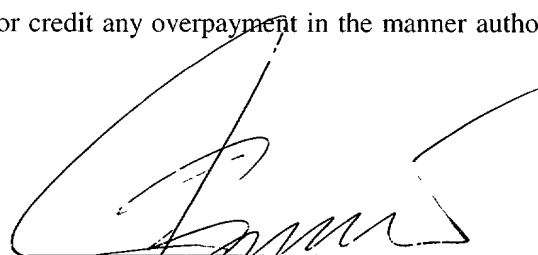
**5. Payment of Fee**

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-1990.

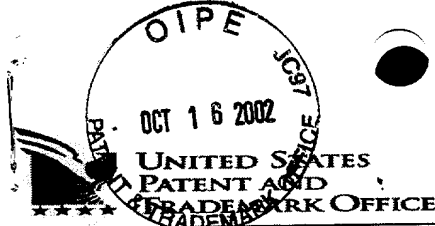
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

*A duplicate of this paper is attached.*

Date: 10-16-02

  
\_\_\_\_\_  
J. Bruce Schelkopf  
Registration No. 43,901  
919-543-4753  
Customer No. 25299

#3



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/065,228	09/26/2002	Anthony Correale JR.	RPS920020090

CONFIRMATION NO. 9429

25299  
IBM CORPORATION  
PO BOX 12195  
DEPT 9CCA, BLDG 002  
RESEARCH TRIANGLE PARK, NC 27709

## FORMALITIES LETTER



\*OC000000008904131\*

Date Mailed: 10/07/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 10 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



#4

Practitioner's Docket No. RPS920020090US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Anthony Correale, Jr.

Application No.: 10/065,228

Group No.: 2816

Filed: 09/26/2002

Examiner: unknown

For: CIRCUIT FOR PRESERVING DATA IN A FLIP-FLOP AND A METHOD OF USE

Commissioner for Patents  
Washington, D.C. 20231

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2. Petition

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3. Submission

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- ☒ a declaration in compliance with 37 C.F.R. §§ 1.63 and 1.64 referring to such omitted item.

EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

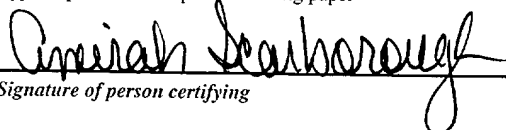
(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date October 16, 2002 in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231 as "Express Mail Post Office to Addressee" Mailing Label No. EV 073551548 US.

Date: October 16, 2002

Amirah Scarborough

Type or print name of person mailing paper

  
Signature of person certifying

**4. Petition Fee (37 C.F.R. § 1.53(e)(2))**

Nonprovisional (37 C.F.R. § 1.17(h)—\$130.00)

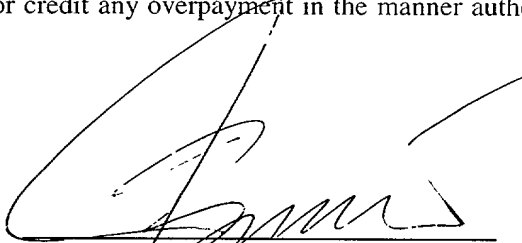
**5. Payment of Fee**

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-1990.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

*A duplicate of this paper is attached.*

Date: 10-16-02



J. Bruce Schelkopf  
Registration No. 43,901  
919-543-4753  
Customer No. 25299